

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2
3 **ORDINANCE NO. O-8-03**

4
5 **Introduced by Mayor Moyer**
6 **Alderman Hammond**
7 **Alderman Carter**
8 **Alderman Fox**
9 **Alderman Cohen**

10
11
12 **AN ORDINANCE** concerning

13
14 **Chesapeake Marine Tours - Lease Amendment**

15
16 **FOR** the purpose of authorizing a one-year extension of an existing lease of certain
17 municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for
18 the purpose of docking and mooring certain boats at the City Dock; and all matters
19 relating to said amendment to lease.

20
21 * * * * *

22
23 **WHEREAS,** pursuant to Ordinance O-84-94, the City of Annapolis and Chesapeake
24 Marine Tours, Inc. entered into a lease dated November 15, 1994, for certain
25 docking space at the City Dock for an original term of five years beginning
26 April 1, 1995 and terminating March 31, 2000 and a renewal term of five
27 years beginning April 1, 2000 and terminating March 31, 2005 at specified
28 rental and under certain terms and conditions; and

29
30 **WHEREAS,** pursuant to Ordinance O-51-99, the City of Annapolis and Chesapeake
31 Marine Tours, Inc. entered into an Amendment to Lease extending the term
32 of the Lease through June 30, 2006, amending the rental provisions and
33 amending the list of Lessee's vessels; and

34
35 **WHEREAS,** pursuant to Ordinance O-10-01, the City of Annapolis and Chesapeake
36 Marine Tours, Inc. entered into an Amendment to Lease extending the term
37 of the Lease through June 30, 2007; and

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39 **WHEREAS,** pursuant to Ordinance O-8-02, the City of Annapolis and Chesapeake Marine
40 Tours, Inc. entered into an Amendment to Lease extending the term of the
41 Lease through June 30, 2008; and

42
43 **WHEREAS,** the parties are agreeable to extending the term of that Lease, as amended,
44 and to setting forth the proposed new terms in an amendment thereto; and
45

1 **WHEREAS**, the City Council believes that acceptance of this proposal will be in the best
2 interest of and will be a benefit to the City; and
3

4 **WHEREAS**, Article III, Section 8 of the Charter of the City of Annapolis requires the
5 passage of an ordinance to authorize said Lease and by implication, any
6 amendment to a previously adopted Lease.
7

8 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
9 **COUNCIL** that the proposed Amendment to Lease, a copy of which is attached hereto and
10 made a part hereof, between the City of Annapolis and Chesapeake Marine Tours, Inc.
11 d/b/a Watermark Cruises, is hereby approved, and the Mayor is hereby authorized to
12 execute the Amendment to Lease on behalf of the City. It is further expressly found by the
13 City Council that the services to be provided as a result of the Lease will benefit visitors
14 and residents of the City, will generate tax revenues and additional rental income to the
15 City, and will generally further the public need and purposes to which the property is
16 devoted.
17

18 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
19 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its
20 passage.
21

22 **ADOPTED** this 12th day of May, 2003.
23

24 **ATTEST:**
25
26

THE ANNAPOLIS CITY COUNCIL

27 _____
28 Deborah Heinbuch, CMC/AE
29 City Clerk
30

BY: _____
ELLEN O. MOYER, MAYOR

AMENDMENT TO LEASE

THIS AMENDMENT, dated _____ of _____, 2003, by and between the CITY OF ANNAPOLIS, a Maryland municipal corporation, Lessor, and CHESAPEAKE MARINE TOURS, INC., a Maryland municipal corporation, d/b/a Watermark Cruises, Lessee.

WITNESSETH

- A. The parties have heretofore entered into a succession of leases beginning in 1972 for Lessee to dock its vessels and carry on its business at City Dock.
- B. The lease currently in effect is dated November 15, 1994, (hereinafter called "the Lease") and was renewed by three Amendments to Lease, dated February 17, 2000 and June 6, 2001 and April 15, 2002, in effect through June 30, 2008.
- C. By this amendment the parties intend to amend a portion of the terms of the existing Lease as amended by providing for a one-year extension of the term.
- D. Lessor has approved this amendment pursuant to Ordinance No. O-8-03.

NOW THEREFORE, in consideration of the rent reserved and the various agreements and covenants of the parties, they do agree as follows:

- 1. Paragraph 2 of the Lease as amended, titled Term is hereby amended by adding a fifth sentence to read:
"At the end of its current term, the term of this Lease as amended, shall renew and be extended for a period of one year, commencing July 1, 2008 and terminating June 30, 2009."
- 2. As specifically amended above, the parties intend that the Lease as amended remain in full force and effect and by these presents they do hereby ratify and affirm same.

ATTEST:

LESSOR:
CITY OF ANNAPOLIS

City Clerk

By: _____
Ellen O. Moyer, Mayor

ATTEST:

LESSEE:
CHESAPEAKE MARINE TOURS, INC.

Debbie H. Gosselin, President

Approved as to form and legal sufficiency this _____ day of _____, 2003.

Shaem Spencer, City Attorney